

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

ELAINE L. CHAO, Secretary of Labor,	)	
United States Department of Labor,	)	
	)	
Plaintiff,	)	
v.	)	No. 1:04-CV-1
	)	
USA MINING, INC., USA BULLION	)	Judge Curtis L. Collier
RESOURCES, INC., BUGSY MALONE’S	)	
SPEAKEASY, LLC, and DAN S. GEIGER,	)	
an individual,	)	
	)	
Defendants.	)	
PENSION BENEFIT GUARANTY	)	
CORPORATION,	)	
Plaintiff,	)	
v.	)	No. 1:04-CV-138
	)	
USA MINING, INC., USA BULLION	)	Judge Curtis L. Collier
RESOURCES, INC., BUGSY MALONE’S	)	
SPEAKEASY, LLC, and DAN S. GEIGER,	)	
an individual,	)	
	)	
Defendants.	)	

**ORDER**

Defendants Dan S. Geiger (“Defendant”) filed a motion *pro se* “for Compulsory Joinder of Claims, and Consolidation of Actions pursuant to Federal Rules of Civil Procedure Rule 18, and Rule 42(a)” (Case No. 1:04-CV-1, Court File No. 24; Case No. 1:04-CV-138, Court File No. 22), which was referred to United States Magistrate Judge Susan K. Lee to conduct an evidentiary hearing if necessary and make a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). United States Magistrate Susan K. Lee filed her report and recommendation pursuant to 28

U.S.C. § 636(b)(1) and *Fed. R. Civ. P.* 72(b) (Case No. 1:04-CV-1, Court File No. 31; Case No. 1:04-CV-138, Court File No. 38). Neither party filed an objection within the given ten (10) days.

After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. The Court **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations pursuant to Section 636(b)(1) and Rule 72(b). Accordingly, the Court **ORDERS**:

Defendant's Motion (Case No. 1:04-CV-1, Court File No. 24; Case No. 1:04-CV-138, Court File No. 22) is **GRANTED IN PART**, and these cases are **CONSOLIDATED** for all purposes, including trial, pursuant to *Fed. R. Civ. P.* 42(a).

However, the motion is **DENIED IN PART** to the extent it seeks any joinder of claims or relief pursuant to *Fed. R. Civ. P.* 18. The Court identifies Case No. 1:04-CV-1 as the lead case among these consolidated actions and **DIRECTS** the parties to file all documents relating to these actions in Case No. 1:04-CV-1, pending final resolution of the cases. It is further **ORDERED** that documents filed hereafter in Case No. 1:04-CV-1 will be deemed to have been filed also in Case No. 1:04-CV-138.

**SO ORDERED.**

**ENTER:**

                    /s/                      
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**